



For Immediate Release
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**BAUCUS FIGHTS TO PROTECT SENIORS' ACCESS
TO THERAPY SERVICES UNDER MEDICARE**

Finance Chairman calls on HHS Secretary to block limits on services seniors need

Washington, DC – Senate Finance Committee Chairman Max Baucus (D-Mont.) is calling on Health and Human Services (HHS) Secretary Michael Leavitt to ensure that seniors continue receiving the therapy services they need. In a letter sent to the Secretary today, Baucus requested that Leavitt delay enforcement of limits – or “caps” – that Medicaid places on seniors who receive a significant amount of medically necessary therapy services under Medicare. Last week, the Senate failed to pass Baucus’s proposal to prevent these limits from going into effect, and a Congressional moratorium on imposing the limits expired. Today, Baucus urged HHS to extend the exception process administratively for seniors who require therapy services beyond the limits.

Baucus is Chairman of the Finance Committee, which has jurisdiction over the Medicare program. The text of the Baucus’s letter follows here.

July 2, 2008

The Honorable Michael O. Leavitt
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Leavitt:

As you know, the Senate failed to pass the “Medicare Improvements for Patients and Providers Act” (H.R. 6331) and, as a result, the statutory exception process to the limitation on Part B therapy services expired yesterday.

Since 1999, Congress has placed a moratorium on imposing these limits, later creating an exception process to permit seniors to receive medically necessary therapy services above the cap. An estimated 700,000 Medicare beneficiaries will exceed the limit on their Medicare therapy benefit this year. These beneficiaries, the majority of whom reside in skilled nursing facilities, will suffer if the exception process is not maintained. Many of these beneficiaries are currently in the process of receiving needed care and were receiving such care on June 30th when the exception process expired. Without the exception process, their Medicare therapy benefit will end.

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I write today to urge you to delay enforcement of the therapy caps and allow the exception process to remain in place until Congress acts to extend the moratorium and reinstate the exception process. Alternatively, I ask that you delay processing claims for therapy services provided to beneficiaries subject to the cap. With strong bipartisan support, Congress has consistently acted to prevent therapy caps from going into effect and is on the verge of doing so again. H.R. 6331, which passed with an overwhelming bipartisan vote of 355-59 and is currently pending in the Senate, contains an 18-month extension of the exception process.

Avoiding disruption, dislocation and injury to Medicare beneficiaries is a mutual goal we share. In light of your decision to delay action with regard to other expiring statutory provisions, I respectfully request that the Centers for Medicare and Medicaid Services maintain the exception process to the therapy caps or delay processing relevant claims until Congress has the opportunity to act following the Independence Day recess.

I appreciate your favorable consideration of this important matter.

Sincerely,

Max Baucus
Chairman
U.S. Senate Committee on Finance

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